

MEETING #39 – December 7

At a Joint Meeting of the Madison County Board of Supervisors and the Madison County Planning Commission on December 7, 2016 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman
Jonathon Weakley, Vice-Chairman
Robert Campbell, Member
Kevin McGhee, Member
Charlotte Hoffman, Member
V. R. Shackelford, III, County Attorney
Daniel J. Campbell, County Administrator
Carol Davis, Assistant Zoning Administrator

Planning Commission:

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum

Mr. Yowell, Commission Chair, noted that a Quorum was present.

2. Approval of Minutes

The minutes of the November 2, 2016 meeting were approved as presented.

3. Action Items:

Mr. Yowell provided an overview of tonight's meeting process; representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and then the case will be recommended onto the Madison County Board of Supervisors either for approval, denial or tabling. In closing, he asked that applicants remain for the Madison County Board of Supervisor's portion of tonight's meeting.

- 9-5** **a. Case No. S-12-16-22:** Request by Linda Heimstra, Life Tenancy & George M. Pettie for a plat of a subdivision of land to create three (3) lots with residue. The three (3) lots will be served by a new 50 foot right-of-way and TM9-2A will be the fourth user of the new right-of-way. The residue has access on River Song Lane off Route 600. This property is located off Route 707 (Piney Hill Road) at Nethers, zoned A-1. (Tax Map 9-5). The final plat has been approved by VDOT and the Madison Health Department.

George Pettie, applicant, was present to answer any questions pertaining to tonight's request.

The County Attorney questioned if:

- ✓ An application had been submitted to Rappahannock County (for approval)
- ✓ The request to Rappahannock County could be approved administratively or if a public hearing will be required

Mr. Pettie advised that:

- A letter of request was submitted for a boundary line adjustment along with a copy of the plat
- The request could be approved administratively (as advised by John McCarthy in February 2016)
- Proposed request would involve the division of four (4) acres between Rappahannock County and Madison County (i.e. two [2] lots in Madison)
- Based on an inquiry made in February 2016 (with John McCarthy, Zoning Administrator), a full description of the proposed request (involving above referenced division) would not involve the creation of any new lot(s) or tracts of land in Rappahannock County.

In closing, he advised that an email was received to indicate that 'if the request was approved by Madison County, the request would be approved administratively in Rappahannock County.

The County Attorney questioned whether all of the proposed lots will be 'taxed' in Madison County, or partially in Rappahannock County, to which Mr. Pettie advised that the four plus (4+) acres in Rappahannock County will be taxed in that locality, and that only the portion to be situated in Madison County will be taxed by this locality.

The County Attorney further referred to the fact that deeds for the property (ies) will need to be recorded in both localities (i.e. Rappahannock and Madison), to which the applicant noted that he was fully aware of the aforementioned fact.

The County Attorney also noted that if the Madison County Board of Supervisors should approve tonight's request, said approval will be contingent upon attaining approval from Rappahannock County, to which the applicant again advised agreement and understanding.

Joanne Boisselle was present and referred to the fact that the residue for tonight's request has 'access on River Song Lane', and asked for an explanation as to 'what that actually means', and also asked about the size of the lots.

Mr. Yowell, Chair, displayed the plat for tonight's case that showed the residue being questioned.

The County Attorney further explained that, according to the survey, the 'residue' means that the property access would be across River Song Lane (Route 600) and would not be across the new fifty-foot easement that's shown (at the top of the plat). In closing, he noted that the residue appears to go across property owned by Charles McDonald.

Carol Davis, Assistant Zoning Administrator, was present and noted that:

- ✓ The residue for the property will be coming across River Song Lane (36.0140)
- ✓ Lot 3 will consist of 7.9351 acres
- ✓ Lot 2 will consist of 7.8457 acres
- ✓ Lot 1 will consist of 8.0540 acres

The County Attorney further advised that access to the aforementioned lots will be the new fifty foot easement that goes over to Piney Hill Road (Route 707).

After discussion, the Madison County Planning Commission recommended that Case No. S-12-16-22 be presented to the Madison County Board of Supervisors for approval.

9-45 ***b. Case No. S-12-16-23:*** Request by George M. Pettie for a plat of a subdivision of land to create four (4) lots, no residue. This property is located on Route 707 (Piney Hill Road) at Nethers, zoned A-1. (Tax Map 9-45) Lots C and D split the County line with Rappahannock County. The final plat has approval from VDOT and the Madison Health Department.

George Pettie, applicant, was present to answer any questions pertaining to tonight's request.

After discussion, the Madison County Planning Commission recommended that Case No. S-12-16-23 be presented to the Madison County Board of Supervisors for approval.

The County Attorney reiterated that approval of both aforementioned cases (by the Madison County Board of Supervisors) will be contingent upon approval being attained from Rappahannock County.

39-10A ***c. Case No. S-12-16-24:*** Request by Elizabeth P. Ford for a plat of a subdivision of land to create four (4) lots, no residue. Lots 3 and 4 will be served by a new 50 foot right-of-way. Tax Map 39-11 will have the use of the 16 foot outlet road inside the 50 foot right-of-way.) Lots 1 and 2 will have an entrance on Glebe Lane. This property is located on Route 655 (Glebe Lane) near Madison, zoned A-1. The final plat has been approved by VDOT and the Madison Health Department.

Elizabeth Ford, applicant was present to answer any questions pertaining to tonight's request.

Comments from the Commission:

- Whether the 50 foot right-of-way will include the existing 16 foot right-of-way already in place

Dave Lewis, Surveyor, was present and advised that the area in question is actually within the existing roadway; the sixteen (16') foot right-of-way is underneath the proposed fifty (50') foot right-of-way.

After discussion, the Madison County Planning Commission recommended that Case No. S-12-16-24 be presented to the Madison County Board of Supervisors for approval.

Mr. Yowell, Chair, advised of the following highlights and reminders:

- ✓ The commission will have two (2) cases for the upcoming workshop session
- ✓ Committee reports will be presented for discussion/advisement
- ✓ Members were encouraged to write down thoughts as to 'what Madison County should acquire to do' and share at workshop
- ✓ Members were encouraged to turn in financial disclosure forms before the deadline
- ✓ Mike Mosko, Danny Crigler, Gerald Stephenson, Phil Brockman to serve as Nominating Committee
- ✓ Commission will need to select officers at January 2017 workshop session

In closing, Commission members were advised that guests from Eco Systems, Inc., will share ideas that may be beneficial to the County's comprehensive plan.

Mike Mosko, Commission member, referenced the following ideas:

- ✓ Goals/objectives/strategies noted in the comprehensive plan
- ✓ Suggested all members attain a full understanding of the existing plan
- ✓ Suggested that input be attained from the Madison County Board of Supervisors
- ✓ Suggested that the Madison County Board of Supervisors and the County Attorney provide input/ideas on what the County should strive for

Mr. Yowell, Chair, reiterated that 'it's the citizen's plan' that has been approved, and urged individuals to complete the questionnaire presented to the public by the Commission, which will be reviewed and discussed. Reference was also made regarding an economic study that was initiated (in the past) and whether a copy would be available for review.

Mr. Yowell, Chair, advised that he will meet with Chairman Jackson and the County Administrator to discuss ideas regarding the comprehensive plan.

4. Adjournment

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission's portion of tonight's session.

Board of Supervisors

Call to Order

Chairman Jackson called the Board's portion of tonight's meeting to order; all members are present – a quorum was established.

1. Determine Presence of a Quorum

2. Adoption of Agenda

Supervisor Weakley moved to adopt the Agenda as presented, seconded by Supervisor Campbell. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

3. Action Items

9-5.1 a. *Case No. S-12-16-22: Request by Linda Heimstra, Life Tenancy & George M. Pettie....*

Comments from the Board:

Supervisor Campbell: Questioned if the property in question was in the land use program, and if the acres to be subdivided will remain in the program

Mr. Pettie, applicant, noted that the aforementioned property is included in the land use program; he noted that if the subdivided property remains in the land use program, there will no rollback taxes; however, if one or more of the lots should be sold or transferred to a party that isn't enrolled in the land use program, rollback taxes will be applied.

In closing, it was clarified that there would be no change in taxes for either locality (Madison/Rappahannock).

Supervisor Weakley moved the Board approve Case No. S-12-16-22 as recommended by the Madison County Planning commission, seconded by Supervisor Campbell.

The County Attorney suggested that language be added to advise that "approval will be contingent upon approval by Rappahannock County."

Supervisor Weakley amended his prior motion to include that 'approval will be contingent upon approval (of the request) by Rappahannock County, seconded by Supervisor Campbell. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

9-45.1 b. *Case No. S-12-16-23: Request by George M. Pettie Case No. SP-11-16-21*

Discussions focused on whether the request will change the amount of property tax.

Carol Davis, Assistant Zoning Administrator, provided total acreage per lot (i.e. C & D).

The County Attorney also clarified that Lot C and Lot D cross the 'county' line.

The applicant advised that the acreage involved would fall below the minimum land requirement for the land use program.

Supervisor Campbell moved the Board approve Case No. S-12-16-23 as recommended by the Madison County Planning Commission, contingent upon approval by Rappahannock County, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

39-10A c Case No. S-12-16-24: Request by Elizabeth P. Ford.....

Chairman Jackson recused himself from the case; meeting session was turned over to Vice-Chairman Weakley.

Vice-Chairman Weakley called for comments from the Board pertaining to Case No. S-12-16-24: Request by Elizabeth P. Ford.

Mrs. Ford was present and asked if approval for a house site includes house trailers.

Carol Davis, Assistant Zoning Administrator, advised that the property is properly zoned for house trailers (i.e. mobile homes); she also stated that a mobile home must have a "HUD" sticker in place (1978 or newer), and that the inspector will look for this particular sticker upon inspection of the unit.

Comments from the public:

R. Clay Jackson advised that:

- ✓ Surrounding landowners aren't happy with tonight's request to place a mobile home on the site
- ✓ Feels this matter is a personal rights issue and the property owner has the right to do as they please
- ✓ Doesn't feel that revenue will be affected

Comments from the Board:

- Supervisor Weakley: Questioned which lots will have a mobile home in place
- Supervisor Campbell: Questioned if the property is in the land use program; noted that the property may be removed from the program if tonight's subdivision request is approved and will be taxed as four (4) home sites and will require payment of rollback taxes

Mrs. Ford, applicant advised that she's looking to place a mobile on all four (4) lots; also advised that the property is currently in the land use program, and that the property is reserved for her horses.

Carol Davis, Assistant Zoning Administrator, advised that as per comments by Betty Grayson, Zoning Administrator, the property was in the land use program (effective June 20, 2016) when she initially researched it; she also noted that (if she's correct) a property must contain at least five (5) acres in order to qualify for the land use program.

Supervisor Weakley requested that Betty Grayson, Zoning Administrator, send a follow up email to the Madison County Board of Supervisors to clarify that the property was initially in the land use program.

It was also suggested that the Commissioner of the Revenue be advised of tonight's request so that tax revenue can be recognized.

Supervisor McGhee moved the Board approve Case No. S-12-16-24 as recommended by the Madison County Planning Commission, seconded by Supervisor Hoffman. *Ayes: Weakley, Campbell, McGhee, Hoffman. Recused: Jackson. Nays: (0).*

4. Discussion (MBOS & MCPC): Brian Wagner, Ecosystem Services, presentation on Kinsey Run Fish Passage Project

Carty Yowell, Commission, Chair, introduced Brian Wagner of Ecosystem Services. He advised that he recently participated in a meeting with Mr. Wagner, the County Administrator and other representatives to discuss stream preservation and an opportunity (for the County) to attain some available grant funding.

Brian Wagner, Ecosystem Services, Inc., was present and advised that the company serves the eastern plain of the Blue Ridge. The company has worked with the Piedmont Environmental Council and Friends of the Rappahannock. A presentation was provided that focused on the Kinsey Run Fish Passage Project. Specifics of the project focused on:

- ✓ Freshwater streams
- ✓ Efforts with Trout Unlimited to implement restoration initiative in the streams
- ✓ Concerns about water quality

- ✓ Initiative was initiated in 2012
- ✓ About 200 landowners were identified as living near trout streams in the region
- ✓ Landowners were asked about their interest in habitat recreation and/or water quality
- ✓ Viable options focused on restoring passage for the fish population caused by manmade barriers
- ✓ Application for funding from US Fish & Wildlife Services Program
- ✓ Grant attained to fund extensive restoration efforts
- ✓ Areas of some streams (noted in red in today's diagram) designate about thirty (30) crossings (for trout)
- ✓ Efforts made in 2013 and 2014 to initiate work within the participating localities
- ✓ About 50% of surveyed structures showed some issues (that restricted trout movement)
- ✓ Online data map (can be reviewed by other interested organizations)
- ✓ Photos of areas of concern along the Robinson River
- ✓ Efforts being done to replace/repair noted problem areas
- ✓ Researching other projects and future opportunities

Kyle Ashmun noted additional projects of interest in Madison County which include:

- ✓ Water areas running into the SNP
- ✓ Grant funding being sought to fund the removal of various culverts along Kinsey Run
- ✓ Restoration & attainment of funding to clear upstream that connects to SNP and Kinsey Run
- ✓ Frontage property owned by the Jenkins Family and the Hyle Family
- ✓ Looking to attain funding through the Department of Environmental Quality Storm water Assistance Fund (grant funding to assist localities in working with the Chesapeake Bay and water quality commitments and/or storm water quality commitments)
- ✓ Construction management requirements
- ✓ Stream quality concerns

Concerns verbalized by the Board focused on:

- ✓ Stream quality (Jenkins & Hyle properties)
- ✓ CREP Program (buffers, grant funding)
- ✓ Whether the concept would be a benefit to the County overall

Mr. Ashmun also noted that areas of concern are somewhat secluded and do not qualify to be included in the CREP program. Grants and donations have also been attained from the Department of Forestry; there may also be some potential for cost share funds for fencing and relocation efforts.

The County Administrator advised that should the County decide to facilitate an application with DEQ, the County would have to insist that Eco Systems, Inc. be called to perform all facets of the work to be involved. He further noted that the County lacks the capacity and staff to initiate all assigned aspects of the proposed program. Although it was noted that documents would need to be signed, the County Administrator would still be required spend time reviewing items, and the hired firm would be required to provide a level of high quality work on behalf of the County. It was further noted that any proceeds would be reflected in the County's annual audit, and that compliance review and site visits would need to be handled by the appointed firm. In closing, he noted concerns regarding the reimbursement facets of the program (i.e. half/half) and questioned if there would be a mechanism in place to allow for the drawdown of funding. He also questioned if the 'match' would be used to pay the contractor and allow drawdown of associated funds.

Mr. Wagner explained there would be some flexibility in place (i.e. Madison and/or Rappahannock could be the recipient of the match), and that the locality would have 'money in hand' before any funding is requested.

The County Attorney questioned if a legal document would need to be signed by Madison County, to which it was advised that grant documentation would need to be signed and in place.

The County Administrator advised that Kinsey Run is a special part of the locality, and many citizens do appreciate trout fishing here. He also questioned if opening up the barricaded area would allow other trout species (i.e. Rainbow) to enter the area, have passage and later encroach upon the park. In closing, he noted that the locality does promote tourism, but feels owners of water areas on private property will not be opened for visitors to enjoy, but does feel the areas located within the park will prove to be a good recreational outlet for visitors and tourists.

Additional comments from representatives focused on:

- ✓ Anticipation that measures would be undertaken to minimize the over population of other predatory trout species
- ✓ Funding will not be provided from the state, but from other participating localities
- ✓ Efforts have been made with Greene County
- ✓ Today's proposed request is in its fourth (4th) year of existence

Additional comments:

- *Supervisor Campbell: Focused on amount of grant funding being allocated within the USA; funding actually comes from the taxpayers and isn't 'free money'*
- *Supervisor Weakley: Noted presentations by Friends of the Rappahannock and other organizations; also noted the importance of tourism here; feels today's discussions will be an asset; feels DEQ will see the significance*
- *Chairman Jackson: Suggested the County make a decision; referred to a previous project that was funded by grant money and nothing was ever accomplished; suggested Eco Systems, Inc. be asked to submit some legal documents*

Mr. Yowell, Chair, noted that tonight's presentation does have some urgency.

Mr. Wagner advised that the application time frame must be completed within the next thirty (30) days in order to satisfy DEQ requirements. He also advised that all documentation can be provided to the County Attorney for review by tomorrow.

The County Administrator reiterated that the project should not impose risk upon Madison County; feels if there is language that imposes some type of risk element to the County, this will need to be strongly assessed.

Additional questions focused on the time frame and why the request wasn't presented earlier in the year.

Mr. Wagner advised that it was anticipated that an additional funding source would be attained. It was also noted that the entity was just awarded an additional funding phase.

Additional concerns:

- *Supervisor Weakley: Reference was made regarding the Middle River Property*

A representative of the Piedmont Environmental Council was present and advised the project (involving Middle River Property) when a problem was encountered due to a shortage of staff; grant funding also expired for the project after a certain period of time. In closing, she questioned if this funding is something that could be reapplied for.

Chairman Jackson suggested the Board request information be provided to the County Administrator and reviewed by the Board at the upcoming December Regular Meeting.

Mr. Wagner noted that the time frame for the grant will be five (5) years.

5. Information/Correspondence

CSB Committee: Supervisor Weakley noted that the CSB met today; a future meeting will be held with the Director to 'flush' things out.

Madison County Library: Chairman Jackson referred to the correspondence from the Madison County Library and suggested a meeting be held with the Madison Library Board and Board representatives. After discussion, it was a consensus to select Chairman Jackson and Supervisor Hoffman to serve as the Board's representatives.

Board/Committee Applicants: The County Administrator advised that a consistent number of applications have been received for the MCPRA and the Madison County Planning Commission; if the Board desires, interviews could be scheduled for all applicants beginning at 5:30 p.m. (Ten [10] minute interview sessions). For those boards that have the desired number of applicants (i.e. DSS, RSA), no interviews will be scheduled unless the Board desires.

2016 Christmas Luncheon: Members were reminded of the holiday luncheon scheduled for Friday, December 16th at 12:00 p.m. at the Madison firehouse.

6. Closed Session (if necessary) - None**7. Adjournment**

With no further action being required, on motion of Supervisor Hoffman, seconded by Supervisor Weakley, Chairman Jackson adjourned the meeting. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: January 10, 2017

Copies: Board of Supervisors, County Attorney & Constitutional Officers



Agenda
Joint Meeting and Public Hearing
Madison County Board of Supervisors
Wednesday, December 7, 2016 at 7:00 p.m.
Madison County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727



1. Determine Presence of a Quorum
2. Approval of Minutes
3. Action Items:

9-5

a. Case No. S-12-16-22: Request by Linda Heimstra, Life Tenancy & George M. Pettie for a plat of a subdivision of land to create three (3) lots with residue. The three (3) lots will be served by a new 50 foot right-of-way and TM 9-2A will be the fourth user of the new right-of-way. The residue has access on River Song Lane off Route 600. This property is located off Route 707 (Piney Hill Road) at Nethers, zoned A-1. (Tax Map 9-5)

9-45

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39-10A

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4. Adjournment

Board of Supervisors

Call to Order

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2. Adoption of Agenda
3. Action Items:

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9-45

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4. Discussion (MBOS & MCPC): Brian Wagner, Ecosystems Services, presentation on Kinsey Run Fish Passage Project
5. Information/Correspondence (if any)
6. Closed Session (if necessary)
7. Adjournment